

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ANTHONY D. REAVES,

Plaintiff,

v.

Case No. 05-73820

Honorable Patrick J. Duggan

PATRICIA CARUSO, MR. MACEACHERN,  
MR. ZAMIARA, DAN ABRAMS, MR. RILEY,  
MR. MEYERS, RICHARD STAPLETON,  
JOHN AND/OR JANE DOE, MICHIGAN  
DEPARTMENT OF CORRECTIONS,

Defendants.

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**OPINION AND ORDER GRANTING DEFENDANTS MACEACHERN'S AND  
ZAMIARA'S MOTION FOR SUMMARY JUDGMENT**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan, on December 21, 2006.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

Plaintiff, a prison inmate in the custody of the Michigan Department of Corrections, filed this *pro se* lawsuit on October 5, 2005, pursuant to 42 U.S.C. § 1983. Specifically, Plaintiff alleges racial discrimination and violation of his First Amendment rights with respect to his transfer to a Level V facility, contending that a Caucasian inmate, guilty of the same misconduct that led to Plaintiff's transfer, was transferred to a Level II facility. Currently only Plaintiff's claims against Defendants MacEachern and

Zamiara remain pending.<sup>1</sup>

On August 11, 2006, Defendants MacEachern and Zamiara (hereinafter “Defendants”) filed a motion for summary judgment pursuant to Rule 56(c) of the Federal Rules of Civil Procedure. This Court referred Defendants’ motion to Magistrate Judge R. Steven Whalen. On November 22, 2006, Magistrate Judge Whalen issued a Report and Recommendation (R&R) concluding that Defendants’ motion should be granted and that Plaintiff’s claims against them should be dismissed with prejudice. At the conclusion of the R&R, Magistrate Judge Whalen informs the parties that they must file any objections to the R&R within ten days and that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (R&R at 10-11.) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Whalen.

Accordingly,

**IT IS ORDERED**, that Defendants MacEachern’s and Zamiara’s motion for summary judgment is **GRANTED**.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:  
Anthony Reaves, #170656

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<sup>1</sup>The Court previously dismissed without prejudice Plaintiff’s remaining claims based on Plaintiff’s failure to exhaust.

Marquette Branch Prison  
1960 U.S. Highway 41, South  
Marquette, MI 49855

Diane Smith, Esq.

Magistrate Judge R. Steven Whalen